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CONFORM

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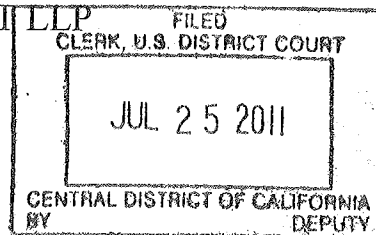
808 Wilshire Boulevard, 3rd Floor

Santa Monica, California 90401

Telephone: 310.566.9800

Facsimile: 310.566.9850

Attorneys for Defendant Shaquille O'Neal



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

ROBERT ROSS, an individual,

Plaintiff,

vs.

SHAQUILLE O'NEAL, an individual,
MARK STEVENS, an individual, and
DOES 1 through 100, inclusive,

Defendants.

LACV11-6124 JAN (Ex)
Case No.

DEFENDANT SHAQUILLE
O'NEAL'S NOTICE OF REMOVAL
OF ACTION PURSUANT TO
28 U.S.C. § 1441

(DIVERSITY JURISDICTION)

1 **TO THE CLERK OF THE ABOVE COURT:**

2 **PLEASE TAKE NOTICE** that Defendant Shaquille O'Neal hereby gives
3 notice of removal of the above-captioned action from the Superior Court of the State
4 of California for the County of Los Angeles, Case No. BC 465355, to the United
5 States District Court for the Central District of California, Western Division, and
6 states as follows:

7
8 **TIMELINESS OF REMOVAL AND JOINDER OF DEFENDANTS**

9 1. On July 15, 2011, the above captioned action was commenced in the
10 Superior Court of the State of California for the County of Los Angeles, by the
11 filing of a Summons and Complaint. A true and correct copy of the Summons and
12 Complaint is attached hereto as **Exhibit A**.

13 2. Counsel for Defendant Shaquille O'Neal accepted service on behalf of
14 O'Neal on July 25, 2011, pursuant to California Code of Civil Procedure § 415.30.
15 Service was therefore effected on July 25, 2011, pursuant to California Code of
16 Civil Procedure § 415.30(c). *See Murphy Bros., Inc. v. Michetti Pipe Stringing,*
17 *Inc.*, 526 U.S. 344, 348 (1999) (thirty-day removal period runs from formal service
18 of summons and complaint). A true and correct copy of the executed Notice and
19 Acknowledgement of Receipt for Shaquille O'Neal is attached as **Exhibit B**.

20 3. Thirty days since service of the summons has not yet expired and
21 therefore this notice of removal is timely under 28 U.S.C. § 1446(b). The
22 Complaint was the first pleading, notice, order, or other paper from which it could
23 be ascertained that the case is removable.

24 4. Defendant Mark Stevens has not yet been served with the Summons
25 and Complaint; accordingly Stevens' consent to removal is not required. *See*
26 *Destfino v. Reiswig*, 630 F.3d 952, 957-958 (9th Cir. 2011). Further, the "Doe"
27 defendants need not join in the notice. *See Fristoe v. Reynolds Metals Co.*, 615 F.2d
28

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1 1209, 1213 (9th Cir. 1980) (Doe defendants need not be joined in petition for
2 removal).

4 JURISDICTIONAL BASIS OF REMOVAL

5 5. This Court has original jurisdiction over this action under 28 U.S.C.
6 § 1332, and this action may be removed to this Court by Defendant O'Neal pursuant
7 to 28 U.S.C. § 1441(b), in that it is a civil action between citizens of different states
8 and the amount in controversy exceeds the sum of \$75,000.

9 6. Complete diversity of citizenship exists in that Plaintiff is not a citizen
10 of any State where Defendants are citizens. Specifically,

11 (a) Plaintiff is a citizen of the State of California: at the time of the
12 filing of the Complaint and up to the present date, Plaintiff was and is a
13 resident of the State of California (*see* Exh. A (Complaint) at ¶ 1) and
14 California was and is his domicile. *See, e.g., Lew v. Moss*, 797 F.2d 747, 750
15 (9th Cir.1986) ("For purposes of diversity jurisdiction, an individual is a
16 citizen of his or her state of domicile, which is determined at the time the
17 lawsuit is filed.").

18 (b) Defendant Shaquille O'Neal is a citizen of the State of Florida: at
19 the time of the filing of the Complaint and up to the present date, O'Neal was
20 and is a resident of the State of Florida and Florida was and is his domicile.

21 (c) Defendant Mark Stevens is a citizen of the State of Georgia: at
22 the time of the filing of the Complaint and up to the present date, Stevens was
23 and is a resident of Georgia was and Georgia was and is his domicile.

24 7. It is facially apparent from the causes of action asserted in the
25 Complaint that Plaintiff seeks damages in excess of \$75,000, exclusive of interest
26 and costs. Defendant O'Neal is a well-known former professional basketball player,
27 whose career spanned from 1992 until his retirement in 2011. During that time he
28 played for the Orlando Magic, the Los Angeles Lakers, the Miami Heat, the Phoenix

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Suns, the Cleveland Cavaliers and the Boston Celtics. During his basketball career, O'Neal was the winner of the 1999–2000 MVP award, the 1992–93 NBA Rookie of the Year award, 15 All-Star Game selections, three All-Star Game MVP awards, three Finals MVP awards, two scoring titles, 14 All-NBA team selections, and three NBA All-Defensive Team selections. O'Neal was one of the highest-paid players (if not *the* highest-paid player) in the NBA for many years. He has also released four rap albums, appeared in several movies, and starred in two reality television shows. Plaintiff's Complaint seeks damages in an unspecified amount for alleged (a) intentional infliction of emotional distress, (b) false imprisonment and assault and battery, (c) breach of a purported profit-sharing contract relating to promotion of various music artists, and (d) conversion of personal property alleged to be worth in excess of \$15,000. (*See* Ex. A, Complaint, ¶¶6, 10-18, 20-21, 23-24, 26-29). In addition, Plaintiff seeks punitive damages. (*See id.*, ¶18, and p. 7:13-14.) Under all the circumstances—including the inflammatory nature of the claims alleged by Plaintiff, the types of damages claimed, and the publicly-available information regarding O'Neal's basketball career earnings—it is clear that Plaintiff's claims exceed \$75,000.

COMPLIANCE WITH OTHER REQUIREMENTS FOR REMOVAL

8. Defendant O'Neal has attached all pleadings filed in the Superior Court.

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to Plaintiff, and a copy of the Notice of Removal will be filed with the Clerk of the Superior Court of the State of California for the County of Los Angeles.

10. Defendant O'Neal respectfully reserves all defenses, including but not limited to all defenses specified in Rule 12(b) of the Federal Rules of Civil Procedure.

1 WHEREFORE, Defendant Shaquille O'Neal hereby removes this action from
2 the Superior Court of the State of California for the County of Los Angeles to the
3 United States District Court, Central District of California, Western Division.
4

5 DATED: July 25, 2011

KINSELLA WEITZMAN ISER KUMP &
ALDISERT LLP

By: 

Michael J. Kump
Attorneys for Defendant
Shaquille O'Neal

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP
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1 MARK E. OVERLAND, ESQ. (SBN 38375)
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3 100 Wilshire Blvd., Suite 950
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5 Tel: (310) 459-2830
6 Fax: (213) 459-4621
7 Email: mark@overlaw.net

8 DOUGLAS G. GRAY, ESQ. (SBN 37948)
9 LAW OFFICES OF DOUGLAS G. GRAY
10 5850 Canoga Avenue, Suite 400
11 Woodland Hills, CA 91367
12 Tel: (818) 888-7632
13 Fax: (818) 888-7427
14 Email: douglaw368434@aol.com

15 Attorney for Plaintiff, ROBERT ROSS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

ROBERT ROSS, an individual,

Plaintiff,

vs.

SHAQUILLE O'NEAL, an individual,
MARK STEVENS, an individual, and
DOES 1 through 100, inclusive,

Defendants.

Case No.

DC465855

COMPLAINT FOR FALSE
IMPRISONMENT-KIDNAPPING,
[Penal Code §207 and 236; Civil Code
§3294 and 3333], ASSAULT AND
BATTERY [Civil Code §3294 and
3333], ROBBERY-CONVERSION OF
PERSONAL PROPERTY [Penal Code
§211], INTENTIONAL INFLECTION OF
EMOTIONAL DISTRESS, and
BREACH OF CONTRACT

Plaintiff Robert Ross ("Plaintiff") hereby alleges:

GENERAL ALLEGATIONS

1. Plaintiff's Residence. At all times material hereto Plaintiff was a resident of the
County of Los Angeles, State of California.

2. Defendants' Residences. The residences of Defendants Shaquille O'Neal
("O'Neal") and Mark Stevens ("Stevens") are outside of the State of California and are presently

COMPLAINT

EXHIBIT A

1 unknown to Plaintiff who will amend this Complaint to insert these residences when they are
2 ascertained.

3 3. Jurisdiction. All of the acts set forth herein (except as described in Paragraph 7
4 below) occurred in the County of Los Angeles, State of California.

5 4. Doe Defendants. The identities of the Defendants named as Does 1 through 100
6 are presently unknown to Plaintiff who will amend this Complaint to add their names when they
7 are ascertained. Each of these Doe Defendants is legally responsible for the acts described herein
8 and for the damages suffered as a result thereof.

9 5. Agency. All of the acts alleged herein were performed by each Defendant,
10 including the Doe Defendants, as the agent of each and all of the other defendants and were
11 performed within the course and scope of said agency.

12 6. False Imprisonment (Kidnapping), Assault and Battery, Robbery (Conversion of
13 Personal Property) and Infliction of Emotional Distress. On or about February 11, 2008 in the
14 County of Los Angeles, Defendants O'Neal and Stevens, acting through their agents Ladell
15 Rowles, aka "Dog," and other members of a Los Angeles street gang Main Street Mafia Crips
16 ("the Street Gang"), kidnapped Plaintiff, committed an assault and battery on Plaintiff, converted
17 the personal property of Plaintiff, and intentionally caused Plaintiff to suffer emotional distress.

18 7. Absence from the State of California. Plaintiff is informed and believes, and
19 thereupon alleges, that Defendants O'Neal and Stevens have been absent from, and resided
20 outside, the State of California since at least August 21, 2007 through the present time and for a
21 period sufficiently long to toll, pursuant to Section 351 of the California Code of Civil
22 Procedure, all statutes of limitations which would have otherwise applied to Plaintiff's cause of
23 action.

24 8. Conspiracy. Defendants O'Neal and Stevens on or about February 11, 2008
25 engaged in a conspiracy with each other, members of the Street Gang, and others to commit all of
26 the acts set forth herein.

1 **FIRST CAUSE OF ACTION AS TO ALL DEFENDANTS**
 2 **False Imprisonment (Kidnapping) and Assault and Battery**
 3 **[Penal Code §207 and 236 and Civil Code §3294 and 3333]**

4 9. Incorporation by Reference. By reference, Plaintiff hereby alleges Paragraphs 1
 5 through 8 of this Complaint as through fully alleged herein.

6 10. Plaintiff's Personal Relationship with Defendant O'Neal and Relationship to the
 7 Street Gang. For many years prior to February 11, 2008 Plaintiff was a close personal friend
 8 and confidant of Defendant O'Neal. Plaintiff suffered prior felony convictions before his
 9 relationship with Defendant O'Neal. Plaintiff had also been associated with the Street Gang and,
 10 although he has not been a member for approximately twelve years, knows its members. At all
 11 times during the relationship with O'Neal, O'Neal was aware of Plaintiff's past criminal record
 12 as well as his past relationship with the Street Gang and O'Neal had knowledge of its street
 13 members. O'Neal's relationship with Dog is expressed in a rap video by O'Neal, DJ, Kay Slay,
 14 Papoose, and Bun B.

15 11. O'Neal's Tasks and Directives to Plaintiff. Because of O'Neal's knowledge of
 16 Plaintiff's prior criminal record as well as his past involvement with the Street Gang, for many
 17 years O'Neal requested and directed Plaintiff to perform many personal favors and directed him
 18 to perform various tasks including, but not limited to: ordering Plaintiff to kill a member of the
 19 Downtown Gangster Crips who had disrespected O'Neal in front of his wife Shaunie; an order to
 20 kill a woman, whom O'Neal had impregnated and paid for her abortion; an order to kill a renown
 21 record producer; and an order to break an NBA player's shooting arm.

22 12. Business Dealings. Prior to February 11, 2008 Defendants O'Neal and Stevens
 23 represented to Plaintiff that if Plaintiff would generate singers, musicians, and other artists for
 24 use by "Deja 34," a record company owned by Defendants O'Neal and Stevens, then Plaintiff
 25 would receive one-half of the profits earned by Defendants from all such singers, musicians, and
 26 artists. In response to this representation Plaintiff brought Ray J, a prominent signer, to
 27

1 Defendants who signed Ray J to a contract and thereafter generated profits from his works.
2 Defendants, however, failed and refused to pay Plaintiff his rightful share of all profits generated
3 by the works of Ray J. The refusal of Defendants to pay Plaintiff caused a termination of their
4 friendships.

5 13. Video of Sexual Activities. While Defendant O'Neal was married and prior to
6 February 11, 2008, Defendant O'Neal engaged in sexual acts with a female, not his wife, at
7 Plaintiff's home. Defendant O'Neal having sex was videotaped by a recording device installed
8 in Plaintiff's home.

9 14. Defendant O'Neal's Jealousy. After February 11, 2008 and after Defendant
10 O'Neal had filed for divorce and was separated from his wife (Shaunie), Plaintiff began an affair
11 with Shaunie. When Defendant O'Neal learned of this relationship between Plaintiff and
12 Shaunie, Defendant O'Neal became extremely jealous and angry toward Plaintiff.

13 15. Attacks of February 11, 2008. Because of the fear that the sex video might
14 become public, and because of Defendant O'Neal's raging jealousy toward Plaintiff, Defendants
15 O'Neal and Stevens directed and employed members of the Street Gang to kidnap, attack, rob,
16 and threaten Plaintiff. On February 11, 2008 Dog and members of the Street Gang carried out
17 the orders of Defendants and kidnapped Plaintiff from Sunset Boulevard, Hollywood and
18 forcibly drove him to Dog's residence in South Central Los Angeles where they assaulted,
19 robbed and threatened Plaintiff at gunpoint. At the beginning of the kidnapping, James Herbin
20 ("Wood") told Plaintiff that "the big homey" ("Dog") needed to straighten out problems between
21 O'Neal, Stevens (O'Neal's business manager) and Plaintiff. During the kidnapping Dog told
22 Plaintiff that O'Neal and Stevens want the tape of O'Neal having sex at Plaintiff's home
23 delivered by Plaintiff to Dog. When Plaintiff promised to get the tape, he was released. During
24 the kidnapping and robbery, Stevens communicated by phone with one of the members of the
25 Street Gang and emphasized that O'Neal needed to obtain the sex tape from Plaintiff.
26 Unbeknownst to Stevens, this conversation was tape recorded pursuant to an FBI wiretap on the

1 cell phone of the member of the Street Gang. The Defendants unlawfully violated the Plaintiff's
 2 personal liberty by intentionally taking him to and holding him in a place without his consent and
 3 against his will.

4 16. Purpose of the Kidnapping, Attacks, and Robbery. The Defendants' purpose in
 5 directing the kidnapping, assault, robbery, and threats to Plaintiff was made clear when he was
 6 told by his abductors to deliver the O'Neal sex tape to them. These abductors were acting on
 7 behalf of and were carrying out the orders of the Defendants and were performing these acts with
 8 the full knowledge, consent, and approval of Defendants. Additionally, on February 12, 2008, a
 9 mutual friend of Plaintiff and Defendants called Plaintiff and asked him about the kidnapping,
 10 assault, and robbery. When asked by Plaintiff how he knew about the incident, the friend stated
 11 Stevens had called him and told him to tell Plaintiff that all that had happened the night before
 12 was because of Plaintiff's affair with Shaunie, but that Dog was only told to get the sex tape from
 13 Plaintiff.

14 17. Compensatory Damages. As a proximate result of the misconduct of the
 15 Defendants, Plaintiff suffered physical injuries and emotional distress when he was kidnapped,
 16 assaulted, beaten with a handgun, and robbed, all according to proof.

17 18. Punitive Damages. All of the conduct described above was done intentionally,
 18 willfully, wantonly, maliciously, with a reckless disregard of Plaintiff's rights. Punitive damages
 19 should be awarded Plaintiff in an amount which considers the reprehensibility of the conduct of
 20 the Defendants, the financial conditions of the Defendants, and for an amount which constitutes a
 21 reasonable relationship between the compensatory damages and the punitive damages. The
 22 amount of the punitive damages should be sufficient, in light of the Defendants' financial
 23 conditions, to punish the Defendants and to discourage future wrongful conduct.

24 **SECOND CAUSE OF ACTION AS TO ALL DEFENDANTS**

25 **Intentional Infliction of Emotional Distress**

26 19. Incorporation by Reference. By reference, Plaintiff hereby alleges Paragraphs 1

1 through 18 of this Complaint as though fully alleged herein.

2 20. Intentional Misconduct. All of the acts of the Defendants were intentionally
3 designed and performed to inflict emotional distress upon the Plaintiff.

4 21. Damages. As a proximate result of the Defendants' misconduct, Plaintiff suffered
5 emotional distress, all according to proof.

6 **THIRD CAUSE OF ACTION AS TO ALL DEFENDANTS**

7 **Conversion of Personal Property-Robbery**

8 **[Civil Code §3336 and Penal Code §211]**

9 22. Incorporation by Reference. By reference, Plaintiff hereby alleges Paragraphs 1
10 through 21 of this Complaint as though fully alleged herein.

11 23. Conversion by Defendants. On February 11, 2008 Plaintiff was the owner of a
12 diamond necklace, diamond earrings, a Rolex watch and \$15,000 in cash which Defendants
13 intentionally and wrongfully took possession of and converted to their own use without
14 Plaintiff's consent, permanently depriving him of ownership and possession.

15 24. Damages. As a proximate result of the conversion of Plaintiff's personal property
16 without his consent, Plaintiff has suffered damages including, without limitation, the value of the
17 personal property, compensation for the time and money spent attempting to recover Plaintiff's
18 property, and emotional distress suffered as a result of the conduct of the Defendants, all
19 according to proof.

20 **FOURTH CAUSE OF ACTION AS TO ALL DEFENDANTS**

21 **Breach of Contract**

22 25. Incorporation by Reference. By reference, Plaintiff hereby alleges Paragraphs 1
23 through 24 of this Complaint as though fully alleged herein.

24 26. Agreement. On or about August 21, 2007, Plaintiff and Defendants O'Neal and
25 Stevens orally agreed that Plaintiff would generate singers, musicians, and/or other artists for use
26 by these Defendants. In consideration for doing so, Plaintiff would be paid in Los Angeles

1 County one-half of the profits generated by the works of each such singer, musician, and/or artist.

2 27. Plaintiff Performed. In accordance with the representations and promises made by
3 Defendants, Plaintiff fully performed and introduced the artist Ray J to Defendants who signed
4 Ray J to a contract and thereafter generated profits as a result of sales from the artistic
5 performance of Ray J.

6 28. Breach by Defendants. Defendants breached their agreement with Plaintiff by
7 failing and refusing to pay him the agreed upon one-half of all profits earned as a result of the
8 performance of Ray J.

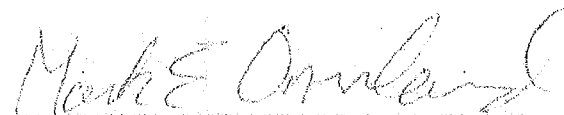
9 29. Damages. As a proximate result of the breach by Defendants, Plaintiff has been
10 damaged in an amount according to proof.

11 WHEREFORE, Plaintiff prays for:

- 12 (1) Compensatory damages according to proof;
13 (2) Punitive damages in an amount sufficient to deter Defendants and others similarly
14 situated from such misconduct in the future;
15 (3) Costs of suit; and
16 (4) For such other and further relief as the Court deems just and proper.

17
18 DATED: July 15, 2011

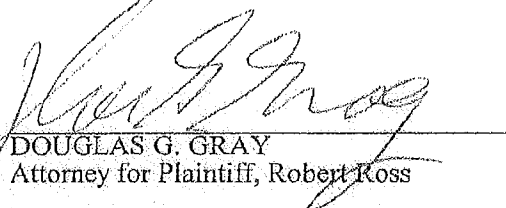
LAW OFFICES OF MARK E. OVERLAND

19
20 

21 MARK E. OVERLAND
22 Attorney for Plaintiff, Robert Ross

23 DATED: July 15, 2011

LAW OFFICES OF DOUGLAS G. GRAY

24
25 
26 DOUGLAS G. GRAY
27 Attorney for Plaintiff, Robert Ross

POS-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DOUGLAS G. GRAY, ESQ. SBN 37948 LAW OFFICES OF DOUGLAS G. GRAY 5850 Canoga Avenue, Suite 400 Woodland Hills, CA 91367 TELEPHONE NO.: (818) 888-7632 FAX NO. (Optional): (818) 888-7427 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, ROBERT ROSS		FOR COURT USE ONLY CASE NUMBER: BC465355
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: Same CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District		
PLAINTIFF/PETITIONER: ROBERT ROSS DEFENDANT/RESPONDENT: SHAQUILLE O'NEAL, et al.		
NOTICE AND ACKNOWLEDGMENT OF RECEIPT—CIVIL		

TO (insert name of party being served): SHAQUILLE O'NEAL**NOTICE**

The summons and other documents identified below are being served pursuant to section 415.30 of the California Code of Civil Procedure. Your failure to complete this form and return it within 20 days from the date of mailing shown below may subject you (or the party on whose behalf you are being served) to liability for the payment of any expenses incurred in serving a summons on you in any other manner permitted by law.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Date of mailing: July 15, 2011

DOUGLAS G. GRAY

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

ACKNOWLEDGMENT OF RECEIPT

This acknowledges receipt of (to be completed by sender before mailing):

- ☒ A copy of the summons and of the complaint.
- ☒ Other (specify):

Civil Case Cover Sheet, Civil Case Cover Sheet Addendum, Notice of Case
 Assignment-Unlimited Civil Case, Los Angeles Superior Court ADR Programs, Los Angeles
 Superior Court ADR Information Package

(To be completed by recipient):

Date this form is signed:

July 25, 2011MICHAEL J. KUMP, Attorney for S. O'Neal(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY,
ON WHOSE BEHALF THIS FORM IS SIGNED)(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 808 Wilshire Boulevard, 3rd Floor, Santa Monica, CA 90401.

On July 25, 2011, I served the following document(s) described as **NOTICE AND ACKNOWLEDGMENT OF RECEIPT – CIVIL** on the interested parties in this action as follows:

Douglas G. Gray
 Law Offices of Douglas G. Gray
 5850 Canoga Avenue, Suite 400
 Woodland Hills, CA 91367
 Attorneys for Plaintiff
 Fax No. (818) 888-7427

Mark E. Overland
 Law Offices of Mark E. Overland
 100 Wilshire Boulevard, Suite 950
 Santa Monica, CA 90401
 Attorney for Plaintiff
 Fax No. (213) 459-4621

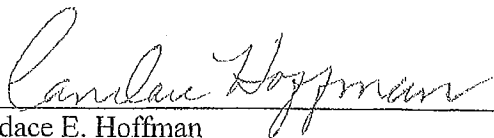
☒ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Kinsella Weitzman Iser Kump & Aldisert LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

☐ **BY FAX TRANSMISSION:** Based on an agreement of the parties to accept service by fax transmission, I faxed the document(s) to the persons at the fax numbers listed in the Service List. I sent this transmission at _____ a.m./p.m. The telephone number of the sending facsimile machine was 310.566.9850. No error was reported by the fax machine that I used. I printed out a copy of the record of the fax transmission.

☐ **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent from e-mail address choffman@kwikalaw.com to the persons at the e-mail addresses listed in the Service List. I sent this transmission at _____ a.m./p.m.. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☐ **BY OVERNIGHT DELIVERY:** I enclosed said document(s) in an envelope or package provided by the overnight service carrier and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight service carrier or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 25, 2011, at Santa Monica, California.


 Candace E. Hoffman

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is Time Machine Network Inc., 1533 Wilshire Boulevard, Los Angeles, CA 90017.

On July 25, 2011, I served true copies of the following document(s) described as **DEFENDANT SHAQUILLE O'NEALS' NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. § 1441; CIVIL CASE COVER SHEET** on the interested parties in this action as follows:

Douglas G. Gray
Law Offices of Douglas G. Gray
5850 Canoga Avenue, Suite 400
Woodland Hills, CA 91367

Attorneys for Plaintiff
Fax No. (818) 888-7427

Mark E. Overland
Law Offices of Mark E. Overland
100 Wilshire Boulevard, Suite 950
Santa Monica, CA 90401

Attorney for Plaintiff
Fax No. (213) 459-4621

BY HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the office of the addressee(s).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on July 25, 2011, at Santa Monica, California.

Candace E. Hoffman

KINSELLA WEITZMAN ISER KUMP & ALDISERT LLP
808 WILSHIRE BOULEVARD, 3RD FLOOR
SANTA MONICA, CALIFORNIA 90401
TEL 310.566.9800 • FAX 310.566.9850

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Jacqueline Nguyen and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV11- 6124 JHN (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Robert Ross

DEFENDANTS

Shaquille O'Neal

CONFORM

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Mark Overland, Law Offices of Mark E. Overland
100 Wilshire Blvd., Ste 950, Santa Monica, CA 90401
Phone: 310-459-2830 email: mark@overlaw.net
Douglas Gray, Law Offices of Douglas G. Gray
5850 Canoga Ave., Ste. 400, Woodland Hills, CA 91367
Phone: 310-888-7632; email: douglaw368434@aol.com

Attorneys (If Known)

Michael J. Kump (SBN 100983)
Kinsella Weitzman Iser Kump & Aldisert LLP
808 Wilshire Blvd., Third Floor
Santa Monica, Ca 90401

Phone: 310-566-9800; email: mkump@kwikalaw.com

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)

Compensatory

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☒ MONEY DEMANDED IN COMPLAINT: \$ and punitive damages

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

False imprisonment; assault & battery; intentional infliction of emotional distress; conversion; breach of contract

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input checked="" type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

LACV11-6124

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Shaquille O'Neal - Florida; Mark Stevens - Georgia

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Michael J. Kump

Date July 25, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))